OUR PRESIDENTS ARE MIGHTY.

VESTED WITH A DISCRETION ABOVE COURTS AND CONGRESS.

sava Charles A. Gardiner to Phi Beta Kappa -The President Has Expanded With the Country While the Other Departments Have Stood Comparatively Still.

"The Constitutional Discretion of the President," was the subject of an address given last night by Charles A. Gardiner at the annual meeting of the Phi Beta Kappa Society in the auditorium at University Heights. Mr. Gardiner maintained that the Presidency is the highest of all the departments of our national Government, that the President's powers are all discretionary and none of them ministerial, and that the President's discretion cannot be controlled by Congress or the courts.

The laws affecting the President made by Congress must be "for carrying into execution" his powers, not for nullifying them, while the President can nullify acts of Congress, as Presidents have done, by refusing to execute them. The President can disobey orders of the upreme Court, as Presidents have done, by refusing, as President, to be accountable to the courts.

As to the President's discretion, it is political, and not judicial, discretion, and deals with public, not private, interests. As general principles controlling when two departments of the Government disagree, Mr. Gardiner suggested these:

First-Departments must take rank in proportion as they promote the common

Second-A lower department must always yield to a higher.

Third-Whether or not a given question belongs to a lower or higher department is solely for the higher to determine. The highest common good is the preservation of the Republic. On this point Mr.

Gardiner said:

The great sovereigntles required to preserve the republic are not ipsissimis verble granted in the Constitution. But they are granted to the President by Article II. of the Constitution and particularly by his office and oath, all to be administered according to his sole discretion. Involving as they do the integrity, independence, welfare, safety—in short, the perpetuity of the republic, they necessarily confer on the President the highest powers and discretion of the Government, and the highest capacity to promote the common good, thereby placing him incontestably at the head of our political hierarchy.

While the Departments are independent

While the Departments are independent of each other in deciding each what the duty is under the Constitution, they are nowhere described as co-equal and the lower automatically gives way to the higher in case of a difference. Within one sphere the President has absolute right of way, and the others must yield. Mr. Gardner said:

others must yield. Mr. Gardner said:

Our sovereignty is not confined to our domestic territory. Theoretically, it extends over the whole world; practically, it exists wherever recognized by treaty or enforced by our arms. So with our external government. It is coterminous with our sovereignty. As our legislative government has practically no jurisdiction three miles beyond our shores, it assuredly can exercise no foreign sovereignties; and hence again I say, unless there exists some other governmental agency, all the foreign sovereignties of our 80,000,000 people must lie dornant, unexecuted and unused.

I advance the proposition that the Constitution explicitly provides an "agency" or government to administer all such domestic powers and all such external sovereignties. That is the President himself. The jurisdiction of his government is our domestic territory and the whole world beyond, and within those far reaching boundaries he rules, not as Chief Executive, but as Chief Magistrate, and his government is not legislative, but solely magisterial or Presidential.

I maintain that whether a question is within the magisterial jurisdiction of the

Presidential.

I maintain that whether a question is within the magisterial jurisdiction of the President is itself a magisterial question for the President alone to determine. Whether a question is within his political jurisdiction or that of Congress is itself a political question solely for the President to determine. And whether a question is within his magisterial or political jurisdiction or within that of the courts is itself a magisterial or political question for his sole determination and over which the courts have no review or supervision.

The President holds the power of initial

The President holds the power of initiative and the power of the sword—an ir resistible physical force. As to conflicts of Presidents and courts, the courts sus-tained the Federal sedition law and fined and imprisoned many persons under it. Jefferson nullified every decree they had make by remitting the execution of the lay because he held that it was not conitutional. Jeffers in refused to obey a disprena of the Supreme Court in the Burr see. Jackson and Lincoln refused to reprisoners on orders of the Supreme Rocsevelt overruled the Supreme de ision that Ju Toy, a native Ameri-Chinese blood, was entitled to reter the United States, and the Supreme urt decides that the President's decision

Criff decides that the Fresheld's decision is conclusive and final.

As to Congress—the sedition law, the United States Bank and the Reconstruction acts afford instances where Jeffersen, Jackson and Johnson nullified the legisto the Senate, Mr. Gardiner says that

it sets in a dual capacity, first as a legisla-tice ody, second as a privy council to the

The President must call his privy council to either, if he wants its advice; and until it is called it has no jurisdiction. That is, not I the President submits a treaty or appearament, the Senate cannot act. And when the Senate complains that the President has not submitted the Santo Domingo protocol, for example, it is not a conflict of jurisdiction, but a complaint, made with omore authority than if a private citizen made it, that the President has not performed a constitutional duty. But who is to decide whether or not it is his duty to submit a protocol? Not the court, for it is a political question; not the Senate, for the discretion of submission is outside its jurisdiction. The ouestion affects the President's magisterial discretion alone, and he alone and not the Senate must decide his course of action, and whatever his decision it is conclusive and final.

Mr. Gardiner concluded:

Mr. Gardiner concluded:

I conceive that we have entered upon a new era of political development. This is the age of executive expansion. The supremacy of Congress is giving way before the irresistible domination of the President. In 1790 Congress numbered 91 members, the Supreme Court 6, the executive force 2,600. Had all kept pace with our population, Congress would now number 1,865, the Supreme Court 123, and the executive force 41,000. Had all increased in proportion to our wealth, Congress would now number 13,741, the Supreme Court 906, and the executive force 41,000. Had all increased in proportion to our wealth, Congress would now number 13,741, the Supreme Court 906, and the executive force 240,000.

Thus while other departments have stood comparatively rigid and inelastic, the President has grown with the country's growth, 2xjanded with every phase of its development and, more automatically than any other department, has assumed those Protean forms required for the constantly increasing and varying demands of the republic. And this great army, 240,000 strong, in its myriad forms, is everywhere and always the President, whether postmaster in Maine or Collector in Alaska, or Consul in Pekin, or Ambassador to Great Britain, or Chief Executive in the White House—it is everywhere and always the President, inspiring, guiding and dominating the irresistible onward march of this mighty and ever expanding people.

I rejoice in such a President, I exult in such an Executive, I glory in such a Chief Magistrate: in all his proportions a majestic, constitutional figure, uncontrolled by Congress, unrestrained by the courts, vested with plenary constitutional power and absolute constitutional discretion, a sovereign over 80,000,000 people, and the servant of 60,000,000 sovereigns: and grading up to his colossal stature are all the departments of Government, centering in him is a hierarchy of office, and a hierarchy of power as well, and running through the whole vast organism is a constitutional above and the Serate

Hummel Argument To-morrow. The argument on the writ of prohibition obtained by Abraham H. Hummel staying the indictment proceedings against him was set down yesterday by the Appellate Division for Friday afternoon at 5 o'clock.

DAMAGES BY INSTALMENT.

Before Thorpe Had Paid Miss O'Connor

Half of 65 Notes, He Went Bankrupt. John Bradford Thorpe, who keeps a restaurant at 1326 Broadway, is the defendant in a curious suit brought by Ella O'Connor

to recover \$4,231, with interest from July 5, 1901, on some forey-four promissory notes. In her complaint Miss O'Connor alleges that on Oct. 20, 1898, in payment of damages due her because he had seduced her under promise of marriage. Thorpe made and executed sixty-five notes for \$100 each. running progressively, the first one becoming due on Dec. 15, 1898. As a further consideration, Miss O'Con-

As a further consideration, Miss O'Connor sets out that she had previously begun an action for breach of promise against Thorpe, which she was induced to discontinue on a promise of \$6.500 in settlement. On April 14, 1899, she alleges. Thorpe was adjudicated bankrupt, receiving his discharge on June 14 following. His discharge, she says, did not wips out his obligation to her, for he had promised and agreed, she swears, to pay the notes, notwithstanding his bankruptcy proceedings. This promise, she says, was given for a valuable and new consideration, but what its nature was she does not set forth in her papers.

Thorpe has paid her, Miss O'Connor says, Thorpe has paid her, Miss O'Connor says, \$2,269 altogether, leaving \$4,321 still owing. He applied recently to Supreme Court Justice Greenbaum for an order directing that the allegations relating to the allegad seduction and settlement of her breach of promise suit be stricken out of her complaint, as having no bearing on her action to recover money on promiseory notes.

Justice Greenbaum decided vesterday that the allegations should be stricken out, as she will have ample opportunity to prove as she will have ample opportunity to prove the consideration that passed at the time of the making of the notes, and when the subsequent promise to pay them, regardless of the bankruptcy proceedings, was made, should Thorpe elect to deny that there was a valid consideration.

ENGINEER BESTS BEST.

And Is to Have a Jury Pass on His Removal From \$6,000 Job.

Supreme Court Justice Leventritt decided vesterday that Henry A. La Chicotte is entitled to an alternative writ of mandamus, so that the issues of fact raised between him and George E. Best, Commissioner of Bridges, in connection with La Chicotte's suit for reinstatement as principal assistant engineer in the Bridge Department, may be tried before a jury.

La Chicotte was appointed in February, 1903, by Best's predecessor, with a salary of \$6,000. The post is the highest in the classified competitive list in the department. classified competitive list in the department. When Best took office, according to the engineer, efforts were immediately begun to induce him to resign, and on his refusal he was suspended on Dec. 2 last. Commissioner Best informed him by letter that his services were unnecessary, and that his name had been sent to the Civil Service Commission to be put on the preferred eligible list.

eligible list.
As to Mr. Best's contention that the sus-As to Mr. Best's contention that the suspension was a measure of economy, the engineer points out that the Commissioner's request for salary appropriation was increased \$116,000 at the time, and that other subordinate employees had their pay raised. Justice Leventritt says that the facts adduced by La Chicotte lend color to his allegation that he was not suspended in good faith, and that a jury must pass on the facts. The Court also remarks that, under the Civil Service law, it is not enough for the suspension of an employee that his services are considered superfluous. The office must be abolished.

CARPET WORKS CLOSE DOWN. J. W. Dimick Co., at Rifton, Will Reopen

Only on the Open Shop Principle. KINGSTON, N. Y., June 7.—The large carpet mills of the J. W. Dimick Carpet Company at Rifton, Ulster county, have been closed down owing to differences of the company with its employees, and will not be opened until the principle of the open shop becomes established there. The blow is a severe one to business men of this

city and Rosedale, as about 500 men and women, with a payroll of over \$200,000 a year, are thrown out of work.

The trouble grew out of differences among the members of the weavers' union, the printers union and the carpet workers union, and the twenty-three printers out work printers union and the carpet workers union, and the twenty-three printers quit work without giving notice, which necessitated the closing down of all the departments of the mills. Notice has been given by the company that when the mills open it will be only under the open shop principle. Four-fifths, of the employees, nearly all of whom learned their trade in the mills, have their homes at Rifton. They are contented, but fear of being called scabs has deterred them from going to work. Indications are that the plant will not run contented, but fear of being came a stabs has deterred them from going to work. Indications are that the plant will not run again for a year at least. The J. W. Dimick Carpet Company has its offices and warerooms in Canal street, New York, and has been in existence for over fifty years.

COUNT REZSO UNDER BONDS.

Man Who Is Suing Wife's Parents for \$50,-000 Ordered to Pay Her \$10 a Week.

Maller Rezso of 120 East 127th street, who says he is a Count of the Italian nobility and who sued Mr. and Mrs. Lavy of 62 West 113th street, the parents of his wife, Ella, for \$50,000, charging that they alienated his wife's affections, was arraigned in the West Side court yesteray on the charges of abandonment and non-support preferred by his wife.

Mrs. Rezso said she was married to him Sept. 20 in the City Hall. She said that

Mrs. Rezso said she was married to him Sept. 22 in the City Hall. She said that during the eight months they have been married he supported her nine weeks only and then only by pawning wedding gifts. Her father has taken care of her ever since she said.

Mrs. Rezso said that Rezso became according to the said that Rezso became according to the said.

since, she said.

Mrs. Levy said that Rezso became acquainted with her daughter by accompanying a piano teacher to the house.

Mr. Levy and she did not approve of the Count as a suitor, she said.

Magistrate Pool held the Count in bonds of \$520 to pay his wife \$10 a week. The bond was furnished by Salvatore Ruggiero of 101 West Thirty-second street. Rerso said through his lawyers that he would appeal the case.

BETTING FOR HIS CREDITORS. Good Intentions of a Bankrupt Who Played

would appeal the case.

the Races Don't Count. Just before Morris Bros., shoe dealers of 587 Eighth avenue, failed they sold part of their stock by auction for \$1,900, of which they paid \$900 to relatives. Then Moses Morris took the \$1,000 remaining and bet it on the horseraces, with the object, as he says, of making more money to pay his he says, of making more money to pay his creditors. But he lost it. F. K. Pendleton, referee, recommends that a discharge in bankruptcy be refused to the firm. It may very well be, the referee says, that the bankrupt intended if successful in his bets on the races to pay his creditors, but on the evidence it must be assumed that when the firm transferred the goods it was intended to take the proceeds to the races. This was a fraud on creditors; it was, in fact, when hopelessly insolvent, realizing on property by forced sale, in effect, and out of the ordinary course, for the purpose of raising money with which to gamble, and the mere fact that it was intended if successful in the gambling operation to pay creditors, even if true, does not make it any less a fraud on them.

Central to Condemn Goelet Block. Condemnation proceedings have been begun by the New York Central and Hudson River Railroad Company against the block bounded by Forty-third and Fortyfourth streets, Lexington avenue and Depew place. The valuation placed on the block, which belongs to the Goelet estate, is \$1,100,000. The railroad wants the property for its terminal. The executors and trustees of the estate have no power to sell, and this makes condemnation proceedings processary.

Decessary.

600 ORPHANS IN DREAMLAND

WHISKED IN MOTOR CARS TO CONEY ISLAND THRILLS.

They Took It Solemnly, but Even the Rain Did Not Discount Their Enjoyment -"Fighting Flames" Too Real for Some -Cream, Clowns, Crowds and Speed

Strollers on Surf avenue, Coney Island vere startled yesterday afternoon by a squad of mounted policemen galloping like Rough Riders toward Dreamland, while behind them dashed 150 motor cars, all grinding out speed as if there were no raffic squad.

The cars were filled with little orphans from New York and Brooklyn institutions. and when they drew up in front of Dreamland 600 children poured out of them and swooped down upon the Pike and thence upon the edibles supplied by Sir Thomas Dewar's representative on the pier.

The orphans had made the best time anybody could possibly make from the Bridge to Coney. The mounted police-men had changed horses twice—once at the Bridge and once at Prospect Parkyet when they arrived at Dreamland horses and riders looked like the remnant of the Six Hundred after the charge. Some of the poor, persecuted chauffeurs and auto owners wished they could always have an orphan or two with them. Anyhow, those 150 cars, all owned by members of the New York Motor Club, had had their fling for once. It was better than knowing

the man higher up." After picking up the children at the various institutions, the Manhattan section of the procession formed at Columbus Circle, ran down Broadway to Broome street, thence to Elm and then to the City Hall, where it was reviewed by Mayor McClellan. A great crowd had gathered on the plaza, and between the crowd and the steps of the City Hall, where stood the Mayor, the cars passed in review.

Once across the bridge the cars settled into a pace they will never again hit in New York streets unless they carry some more orphans. The wildest dreams of many short lives were being realized, but the children couldn't open their mouths to say a word for the rush of wind that swept by them. When they finally got their breath they found they had just finished the ice cream provided by Sir Thomas Dewar and they had to talk about

But they had to slur even that sweet topic, for it was time to go to Bostock's, whither they were escorted by a band. With the colors of the institution on their skeves, the little things marched along the Pike, for some reason looking solemn as owls. Senator Reynolds had thrown Dreamland open to them; they were a privileged class-motor cars sans speed limit, what greater felicity is possible?-

privileged class—motor cars sans speed limit, what greater felicity is possible?—yet they looked very serious, filled with the dignity of the occasion. Erry tots some of them were, all eyes and legs, with unimportant bits of corduroy or calico intervening. The sharp featured, pathetic little faces looked austerely on the glories of Dreamland.

Mr. Rey, the clown in the animal arena at Bostock's, brightened them up a bit. He and the two bears were so absurdly funny eating sandwiches and drinking ginger beer together that the little fellows and girls clapped their hands in glee.

From Bostock's they went to Midget City on the other side of The Pike. Charles Lawson (height 2 feet) the police captain of that diminutive city, met them with a platoon consisting of one patrolman (height 2 feet 3 inches). The children saw the vaudeville show and sleight of hand by Prof. Zaino, and Mrs. General Tom Thumb in her thin little recitative told them how she met the Prince of Wales. Whatever the Prince of Wales might be, the little auditors took him on trust and applauded Mrs. General T. Thumb heartily.

The spectacle of spectacles for them was Fighting the Flames. As they took their seats before the tarpaulin curtain the rain that had been falling intermittently ceased, and soon the curtains swept aside and the denizens of the artificial Five Points of Dreamland began to pour out of their quarters. Only a few of the older children seemed to be aware that this was a show. Most of the little ones were

lder children seemed to be aware that this order children seemed to be aware that this was a show. Most of the little ones were completely taken in by the realism. The Bowery tough with his chest, the Chinese laundry, the hoardings with advertisements upon them, the nondescript crowd—what show was there in that? The children was the control of the children was th

what show was there in that: The chirdren seemed puzzled.

Soon some one in an upper story of a familiar tenement house upset a lamp and a lady without stays stuck her head out of the window and shrieked a fearful shriek. Flames shot out from every window, bells clanged, whistles blew and all the various kinds of fire engines dashed round the clanged, whistees blew and all the various kinds of fire engines dashed round the corner. Firemen swarmed up the walls, there were more flames, the cornice and the

there were more flames, the cornice and the coping fell with a crash.

A fit of trembling seized many of the children. Weeping and screaming, they huddled close together and their nurses jumped up to pacify them.

"Save them!" cried a little girl.

"I want to go home!" a boy of ten, with a tear begrimed face cried passionately. "I want to go home!" He had been orphaned by just such a fire.

The tarpaulin curtain closed upon the scene, and as soon as the damage was re-

The tarpaulin curtain closed upon the scene, and as soon as the damage was re-

The tarpaulin curtain closed upon the scene, and as soon as the damage was repaired the curtain was again swung aside to reassure the children.

Then the rain began to pour down mercilessly. The children, some without hats, huddled their blue little faces together like sheep in a storm. The hoodless motor cars were drenched, but when the signal to start for home came the children took their places without a murmur, and the their places without a murmur, and the little expedition that started out so gallantly reached home under a pelting shower. But not one uttered a word of complaint

on the way.

The trip was arranged by Col. C. K.
Pardee, Senator W. J. Morgan and Samuel
Miles. The institutions represented were:
Hebrew Sheltering Guardian Society, Mission of the Friend of Children, New York
Home for Destitute Crippled Children,
Leake and Watts Orphan Home, Golden
Hour House, Howard Mission, New York
city children's hospitals and schools,
committee of Dependent Children and
Children's Aid Society, Fifty-third street
school. Some institutions declined the invitation on account of the weather. Col.
John Jacob Astor's and A. G. Vanderbilt's n Jacob Astor's and A. G. Vanderbilt's cars were in the procession.

TENEMENT POISON SCARE. Mysterious Viands in the Halls and Some

Dead Cats-Police Languid. Tenants in the flat house at 1821 Second avenue have an ices that some one is trying to poison one or all of them. Their suspicions are based on the fact that for nearly two months pieces of meat, cake and strawberry pie have been thrown at intervals into the halls of the house.

It is said that two cats at a piece of the meat and died. When the meat was thrown at other cats they sniffed at it, but wouldn't eat it. The police of the reast Eightyeighth street station were notified, but they do not consider the situation serious. No one has taken the trouble to have the meat or cake analyzed. the meat or cake analyzed.

Worcester Wants Auto Race for Dewar

Trophy. WORCESTER, Mass., June 7.—The Worcester Automobile Club has decided to hold a purely local race meet here in a few weeks and for the star attraction intends to make bid for the Ross-Ford race for the Sir

Thomas Dewar trophy. Thomas Dewar tro; hv.

Mr. Goddard has been placed in charge
of the meet and left for New York to-night
to investigate the challenge of Mr. Ford and
secure the race for Worcester. There is a
mile straightaway course at Lake Quinsigamond just off the direct automobile route
between New York and Boston, on which the
meet will be held.

A Word Sketch of Gray Suits.

gray is around on top. Gray is the dominant note in men's Suits. It may take form in a very light pearl gray, in a rich steel gray, or again it be modified by a thread of some contrasting color. Here are all the new gray suits with our "Concave" shoulder and Closefitting" collar.



From \$18 to \$25-Single and double breasted model of smooth surface and undressed gray worsteds, in the conventional or new long models with wide angular lapels and deep side or centre venta.

WM. VOGEL & SON Broadway, Houston St.

ORIGIN OF STYLES IN COATS.

Cutaway Frock and Sack From Eighteenth Century-Black Dress Coat.

The modern cutaway sprang from the body-fitting justaucorps of the French as known to the courtiers of Louis XIV. and Louis XV., and the garment was in turn probably evolved from the frock, or tunic,

worn in the fourteenth century. The first trace of a cutaway in anything like its present form, says the Sartorial Art Journal, is seen in old prints of French military uniforms, early in the eighteenth century. For civilian use it was worn in England about 1785 as a riding coat, the tails being very long. In 1793 it was adopted in France for walking as well as for riding and was then in shape and cut much nearer the modern cutaway than any of its predecessors, though it was usually double breasted.

breasted.

Early in the nineteenth century the cuta way had eight or nine buttons, only the fourth, fifth and sixth being used. This admitted of the wearer showing his neck-cloth, fancy waistcoat and frilled shirt to the best advantage. Not till 1840, or thereabout, did the cutaway become almost identical with the modern garment and since then the changes in its shape have been comparatively slight. In 1841 the word "cutaway" became a fixture in the language.

have seen comparatively slight. In 1841 the word "cutaway" became a fixture in the language.

The old colonial uniform worn by Washington, with its flaps buttoned back; the coat worn by Nelson at the battles of St. Vincent, the Nile and Trafalgar, and the coat worn by Napoleon when on his way to St. Helena, were all in a general way similar to the cutaway frock.

The conventional dress coat of our time is a refined younger brother, so to speak, of the cutaway frock, and for it we are indebted to the French, who on the other hand credit the English with originating the coat that has evolved into our double breasted frock. The coat last named was introduced into France by Montesquieu, in the year 1750.

Incidentally, we may add, the present black dress coat has, by the English speaking nations, been restricted to evening wear little more than half a century. In some Continental countries the dress coat is "proper form" for wear at court or other important formal assemblages held in the day time.

The sack coat probably dates from the

day time.

The sack coat probably dates from the

"Macaronies," who introduced it into England in 1772, though a garment somewhat similar was worn by the "Roundheads" of Cromwell's day.

TIMELY BOXING TALK. Jim Corbett Praises Jim Jeffries and Says

He Was Better Than John L. Pugilists as a class are not always ready to praise their brother professionals. Often a victorious fighter will give vent to some e remarks about a rival, but it is usually made in a spirit of pride. Since Jim Jeffries announced his retirement from the game hit, stop and get away there are any amount word about the champion. Corbett, until Jeffries came into the limelight, believed that there was no man in the ring who could swap punch for punch with him and win. Corbett did not regard the victory of Fitzsimmone at Carson city over him as anything else but a fluke. He thought that it was a lucky blow that Fitz got home that whipped him and probably harbors the idea to-day, although it is strange that they have never met again since that time. However this is no fault of the Cornishman, who has tried every conceivable thing to get the Californian to engage in a return essay, but to no purpose This is what Corbett has to say about Jeffries's retirement, and in view of Corbett's reluctance in the past to give credit to a rival his remarks

are interesting:
"Jeffries will be looked upon as the champion as long as he lives. You cannot take that title away from him because he has decided to quit. He must be defeated first, and tell me, who is to accomplish such a feat at this time? I don't know of any man. is in a class by himself and always will be an argument, and so naturally he is forced to retire. Jeffries is only 30 years old, and he could come back in five years and go through the list of the men he has already whipped and do the same thing over once more. If in the meantime a good fighter should appear and whip a few of the light heavyweights you can bet that Jeffries will return to the ring and got after his new man. He likes boxing too well to keep away from it for good. Especially would this be true should any foreign country produce a heavyweight champion. I think Jeffries to-day is a much better man than John L. Sullivan was in his prime. I fought them both and I ought to know. Jeffries, while he is not as fast on his feet as some of them, is just as quick in other ways. What is more, he has the punch, and this counts the most nowadays in ring contests. He showed that when he beat both Fitz and Sharkey. These two men were supposed to be stiff hitters themselves. But he outbunched them and won."

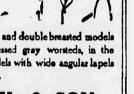
Regarding Corbett's assertion that Jeffries is a better man than Sullivan ever was in the heyday of the latter's career, there are a lot of fistic critics who agree with him in this respect. In comparing both men physically and mentally, Jeffries holds the palm over Sullivan. Sullivan wens the champion was a powerful, rugged man. Nature endowed him with a physique of iron, but by dissipation and riotous living his wonderful frame began to weaken. By the time he met Corbett he was but a shadow of his former self, and it is thought that plenty of big men, not even as clever as Corbett, could have whipped John L. at the time. Sullivan way have been as stiff a puncher as Jefries is to-day, especially with his right hand, but it cannot be said that he was as scientific. Jeffries grew from a rough and ready fighter into a capable boxer in a short time and to-day it must be said that he knows as much, if not more than Sullivan did when he was champion. Looking up Jeffries's record, it cannot be denied that the men he has defeated were better and knew more about boxing than were the men Sullivan conquered. Probably the best man Sullivan eredit in view of the fact that Mitchell weighed less than Sullivan and was badly handled. more. If in the meantime a good fighter should appear and whip a few of the light

Lift Up Your Voice Unto the Cook When your

POSTUM Is not Black and Rich with

COFFEE SNAP

Fashion revolves on a cycle and



H. C. PHIPPS HURT IN RACE.

THROWN FROM PONY IN CONTEST FOR LADIES CUP.

Rain Floods the Grounds at Mincola and Drives Bipeds and Quadrupeds to Cover -Bench Show Part of Day's Attractions—The Winners of the Ribbons.

MINEOLA, L. I., June 7 .- With weather that was a cross between winter and spring, starting and winding up with a rainstorm hat drove the spectators, dogs and horses to cover and flooding the grounds, the Ladies' Kennel Association opened its annual open air bench show, and as an added attraction to the pony races here to-day there was a series of interesting races, in which some of the best known gentlemen jockeys sported silk.

An accident occurred in the second race. This was the Ladies' cup for ponies, and Henry C. Phipps, riding the chestnut horse Gold Ring, was in second place on the upper turn and was at the girth of the mare Dixie. Mr. Hastings up. He leaned too far to one side in trying to hug his mount for the sharp turn, and his weight threw the saddle out of place and sent the jockey flying to the ground.

The horse ran on and finished second, but Mr. Phipps lay stunned on the track. He was cut and bleeding, and was removed to the Mineola Hospital, where the surgeons said that unless complications set in he would be all right.

In the bloodhound classes Lady Co'umbia, from the Westbury Kennels, garnered all the prizes in sight. Helen, shown and owned by Martin Hedman, won the trophy owned by Martin Hedman, won the trophy offered by Miss C. C. Whitney for the best Great Dane of either sex sired by her dogs or bred by them, and the Bismarck Kennels's Bismarck's Chieftain won the limit class from a fine field, but was forced to take the red in the open harlequin class, Dr. J. Fletcher Lutz's Pancho winning in that

Westbury Ivan, owned by Miss Bird of Westbury Ivan, owned by Miss Bird of Westbury, swept the ring in the Russian wolfhound classes, winning in addition to the regular events four special prizes. Champion Southport Pendragon of the Revere Collie Kennels won the open class for rough coated collies. The Kingcote Kennels' Clayton Countess won in the competition among the winners.

F. F. Coite's Pewter Mug won in the limit class for bulldogs under forty-five pounds. Oren Root, Jr.'s Irving Jock was second. Shoe Town Pride, the famous Newark dog, owned by Robert Lobban, won the blue in the class for dogs above forty-five pounds. Champion Rufus Stone, from the Earlington Kennels, won in the class for winners.

Mrs. Frank Dole showed Champion Edgewood Estelle in the bull terrier classee, and

Mrs. Frank Dole showed Champion Edge-wood Estelle in the bull terrier classes, and won a trio of blues. T. E. Smith's Porthos won the winners' competition in the Great Dane classes. The Prospect Kennels' Happy, the biggest Great Dane ever bred, won first in the open class for Great Danes. The summaries of the races follow

First Race—The Polo Pony Cup, run on the infield with mailet and ball: first horse between the posts, with ball and rider seated, to win—Won by Alwin, gr. g., ridden by Fugene S. Reynal Trilby, b. m., ridden by Henry C. Phipps second. Triloy, b. m., ridden by Henry C. Phipps second.

Second Race—The Ladies' Cup, gentlemen riders quarter of a mile on the flat—Won by Dixle, br. m., ridden by Mr. Hastings: Alwin, gr. g., ridden by Fugene S. Reynal, second: Blanco, gr. g., ridden by Mr. Martin, third.

Third Race—The Mineola Stakes, quarter of a mile on the flat, for ponies or galloways, non-winners—Won by Alwin, gr. g., ridden by Fugene S. Reynal; Blue Bell, ch. m., ridden by G. W. Coyle, second: Venture, ch. m., ridden by G. L. Wheeler, third.

BRUSH REPLIES TO PULLIAM. Applied to Courts to Restrain Pulliam, Not

to Repudiate Own Measure. PITTSBURG, June 7 .- President Brush of New York Baseball Club on reaching Pittsburg from Boston this morning was angry at the statement made by President Pulliam of the National League yesterday regarding his (Brush's) taking the McGraw m atter into court.

He made public the typewritten testimony of the Boston trial and later issued a signed statement in reply to Pulliam, which in part

is as fellows:
"In his statement to the public yesterday Mr. Pulliam says that he is satisfied with Judge Skeldon's decision, but he regrets that I have seen fit to repudiate my own legislation and seek relief in the courts against the operation seek renef in the courts against the operation of my own law.

"In reply, I say that I did not apply to the courts for a repudiation of any law, but to restrain Mr. Pulliam from violating the constitution of the National League and the rule relative to the removal of players by the umpires."

Court Calendars This Day.

Court Calendars This Day.

Appellate Division—Supreme Court.—Nos. 34, 35 36, 37, 38, 11, 13, 38, 40, 41, 42, 43, 44, 46, 47.

Supreme Court—Appellate Term—Recess. Supreme Court.—Special Term—Part II.—Case undished. Motions—Curt.—Special Term—Part II.—Case undished. Motions—Temurreis—Nos. 814, 815, 817, 840. Preferred causes—Nos. 1811. (2308, 2984, 3110). General calendar—Nos. 1034, 1888, 2219, 1470, 1242, 1331, 2490, 2405, 2440, 2455, 2440, 2456, 2440, 2452, 2515, 2617, 2639, 2652, 2660, 2667, 2672, 2675, 2681, 1202, 2698, 2610, 2683, 2694, 2705, 2708, 2707, 2193, Part IV.—Case unfinished. Cases from Part III. Part V.—Case unfinished. Cases from Part III.—Case unfinished. Cases from Part III.—Case unfinished. Cases from Part III.—Case unfinished. Cases from Part III.—Part V.—Case unfinished. C

Court of Appeals Calendar. THE UNITED ELECTRIC LIGHT & POWER CO. 1170 BROADWAY.

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On and after July 1st, 1905, the price of electric current supplied by this Company to retail customers will be as follows:

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BRITISH GOLF CHAMPIONSHIP. High Wind Against Low Scoring in the St. Andrews Tourney.

Special Cable Despatch to THE SUN. St. ANDREWS, Scotland, June 7.—A gale ST. ANDREWS, Scotland, June 7.—A gale interfered with low scoring in the first round of the open championship this morning. The leaders for the first round were Harry Vardon, Aleck Herd, J. H. Taylor and Toogood at 80. Aleck Smith, American entry: Arnoud Massey, the French player: James Braid and H. Hunt did 81. Other scores were: Ernest Grey and T. Simpson, 82; Willie Fernie, 83; Willie Park, Jr., 84: James Kay, 85. Jack White, the titleholder, and Will Anderson, American open champion, were 88.

John Graham, Jr., led the amateurs with 82, Herbert Fowler made 88, H. H. Hilton and E. D. Blackwell, 87. A. G. Barry, the new amateur champion, scored 90, and Osmund Scott, runner up to him at Prestwick, 88.

Scott, runner up to him at Prestwick, 88.

Jack White's winning score at Sandwich last year was 80, 75, 72, 69—296. It is deemed a far easier course than St. Andrews to score on, and the predictions abroad, in spite of the lengthening of the course to 6,333 yards and the new bunkers, have not favored the beating of J. H. Taylor's 309 in 1900, which won the last open at St. Andrews. Taylor played with the solid ball, and his score, an average of 77½, was a marvelous performance. He led Harry Vardon, who was second, by eight strokes and Braid by thirteen strokes, while Taylor beat his winning score at St. Andrews in 1885 by thirteen strokes. With good weather four 77s—308—has been picked as a winning score in the pending championship, and in very favorable weather four 76s—304.

Weather is always a factor to be reckoned with at sea girt St. Andrews. That there was wind to spare there yesterday is evident by a comparison with the scores made by the amateurs at the Royal and Ancient spring meeting on May 2, over the same course, when J. S. Pease did 76 and C. C. Wedderburn 79, while a week later, in winning the diamond medal of the St. Andrews club, Alexander Robertson recorded 78.

GOLF GOSSIP.

Knollwood Tournament Entries-Matches at Fox Hills.

Additional entries for the Knollwood Country Club tournament include James Country Club tournament include James D. Foot, A. P. Palmer, Robert Moore, R. C. Carroll and a dozen more; so that from forty to fifty will probably tee up for the qualifying round this morning. This will be at eighteen holes and the first pair will be started at 10 o'clock. The first sixteen will keep on in the afternoon at match play for the president's cup, and the second sixteen for the vice-president's cup.

teen for the vice-president's cup.

The first round in the competition for the vice-president's cup at the Fox Hills Golf Club, Staten Island, finished yesterday, with the following results:
Frank B. Barrett beat P. T. Grandin, 3 up and 2 to play; William P. Lough beat J. J. Worrell, 3 up and 2 to play; C. H. Kirk beat B. S. Bottome, 2 up. Paul S. O'Conner beat B. T. Allen, 3 up. Frank Sears beat Dr. John B. L'Hommedleu, 5 up. Frank Sears beat Dr. John B. L'Hommedleu, 5 up and 4 to play; Jacob A. Janin beat H. E. Armstrong, 1 up. twenty holes; G. Radford Kelso beat Havelock Walser, by default; W. G. Hoople beat J. McAleenan, 1 up.

In the absence of the Misses Curtis, Miss Adams and Miss Lockwood at Cromer, and Miss Fauny Osgood, the title holder, touring on the Continent, the championship of the Boston Women's Golf Association, now in progress at the Brae Burn Country Club, is an unusually open race. After a trial of all match play, as their sisters of the Women's M. G. A. did, the Bostonians have reverted to a qualifying medal round. It was at eighteen holes and Miss M. W. Phelps of the home clubled the field with 91. Miss Pauline Mackay of Oakley, who put out Miss Lotte Dod in the national championship, was second with 94. Miss M. Dutton, also of Oakley, did 98, and Miss E. S. Porter, Brookline, recorded 104, Miss Louise A. Wells was a non-starter. Sixteen qualified for the championship. Miss Pauline Mackay had a hard match in the first round of match play on Tuesday, only defeating Miss C. Shreve, Brae Burn, on the nineteenth hole.

ESTABLISHED NEARLY HALF A CENTURY

THE month of weddings suggests for groom or guest the Frock Coat with self or white linen Waistcoat: Trousers of gray striped cassimere Gloves of gray suede; Scarf of heavy silk,

pearl gray or dark. The wedding outfit chosen here will reveal every refineent of tailoring and absolute correctness of detail.

Subway Station at our door. ASTOR PLACE AND FOURTH AVENUE



Manhasset Bay Y. C. Regatta. The sixth annual regatta of the Manhasset Bay Yacht Club will be sailed next Saturday. This club is one of the most progressive on the Sound. This year it had the first race for the New York 30 footers, the first power boar race, and now its abnual regatta will bring together boats that have not raced yet bring together boats that have not raced yet this season.

There will be races for all regular classes for the New York Yacht (10b 30 footers, 21 foot raceabouts, including the new Larchmont boats, Larchmont and American 21 footers, 18 foot knockabouts and all the one design classes. In fact, an owner has only to take his boat to Manhasset Bay on Saturday and a race will be arranged for him. All boats 30 feet in length and over are to sail twenty-one miles, and the smaller ones will sail ten and a half miles.

The starting and finishing line will be off the red and black buoy to the northward and eastward of Execution Reef. The committee in charge of the regatta is Col. Frederick A. Hill, Henry C. Ward and H. H. Hogins, Jr. After the racing a clambake and shore dinner gill be served in the clubhouse.

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